FAO No.1126 of 2006

Major Singh Versus Kuldeep Kaur & others

Present: Mr.BS Sidhu, Advocate
for the appellant.

Mr.PS Brar, Advocate for the respondents.

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UMA NATH SINGH,J.

This FAO arises out of an award dated 5.12.2005 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Faridkot in MACT petition No.12 of 12.2.2004 awarding a sum of Rs.two lacs towards the compensation with an interest @ 6% per annum from the date of application in the injury case of respondent No.1. In this appeal by the owner of the offending vehicle, the main submission raised by the learned counsel is that the appellant was not granted sufficient opportunity to lead evidence.

We have carefully examined the proceedings re-produced in the appeal. It appears from the order dated 27.2.2005 that the matter was adjourned to 21.11.2005 for the evidence of the respondents. On 21.11.2005, the respondents did not lead any evidence and an adjournment was prayed for and granted as the last opportunity. Thereafter, respondents themselves closed their evidence on the next date of hearing i.e. 5.12.2005. Thus, the aforesaid proceedings do not support the contention of learned counsel for the appellant. Besides, as per the latest amendment in the CPC, only three adjournments are to be granted. Thus, we do not find any force in the submission of the learned counsel for the appellant and the FAO, thus,

being devoid of merit, is dismissed as such.

(UMA NATH SINGH)
JUDGE

(S. D. ANAND)
JUDGE

August 7, 2006
SRM